

Exhibits  
A-C

# Disclosure shocks officials

## Sensitive children's services records found in trash

By BILL MEKINNEY  
NEWS Staff Reporter  
(Part 10 of a series)

During a month-long investigation into the operations of Children's Services of Erie County, the Morning News was handed several hundred confidential agency documents relating to child abuse, shelter care and foster care, all obtained by a source outside the agency itself.

Although "breach of confidentiality" is one of the most serious offenses under the Child Protective Services Law (Act 124), the NEWS source said he had "in difficulty" obtaining the documents.

The documents included:

- copies of a juvenile hearing report regarding alleged sexual assault of a child by the parents.
- confidential summaries regarding specific behavior

proceedings of children under agency care.

• copies of meeting minutes from a child abuse report, dated May 12, 2004, and held at the home of the child's parents, and the report alleged to be the attack.

• copies of agency personnel documents including personnel histories, resumes, applying to the agency or employment.

• copies of documents which included the names of parents reporting alleged acts of abuse.

• a document detailing the alleged sexual assault of a child by the parents, dated May 12, 2004.

Among the alleged perpetrator of the act, and describing the emotional state of the family of the child.

The documents were not obtained from a disgruntled agency employee, but were self-administered by any supervisor.

The NEWS source who provided them said "I just went to the dumpster outside the building and grabbed a bunch of papers."

He said he had obtained them the same way on a number of occasions.

The Morning News asked for a meeting with Erie County Judge Fred Anthony, County Executive Russell "Bobbie" Gordon, and state Sen. Quentin Grunwald. On Thursday afternoon, the NEWS met with the three men in Robinson's office, and turned over the documents to Judge Anthony and Robinson.

All expressed shock at the sensitivity of the information on the documents that had been thrown into the trash.

"We'd better get this stuff taken care of before the word spreads and those porno-grapery readers come down to get their kicks for free instead of paying for it," Robinson said.

Judge Anthony was dismayed at the apparent violation of the spirit and the letter of the Child Protective Services Law. He said he recognized many of the names in the documents from cases that have come before him.

"I don't have control over the agency records, but our court records on these cases are of course all sealed in the clerk's office," Judge Anthony explained.

proceedings, Anthony said. "These could be very embarrassing."

Sen. Grunwald pointed out that the confidentiality of them under Act 124 was "wrecked by careless handling." He said people would be reluctant to deal with Children's Services if they knew their names could be "blowing in the wind."

"How can you trust on confidentiality, and then let something like this happen?" asked Sen. Grunwald. "This is horrible. It can't be allowed to happen again."

Atty. Gen. English, Sr., who was present at the meeting as chief counsel for the Times News Publishing Co., cautioned that there was no way of telling who else might have

Please Turn To  
Page 1 of Section B



# OCY expenses add to county's legal bills

"We were ready to go," he said of the Civil Service case. "We were ready to win the case and I am convinced we would have won if it had gone forward."

Conley withdrew her claim because the proceeding was "not in her best interest," according to a letter on file with the Civil Service Commission. Conley last week said her lawyers have told her not to comment on her case.

The \$56,371 spent on the Conley case is the second large expenditure the Schenker administration has paid over OCY personnel issues in the past year. In August, in an agreement the administration initially tried to keep secret, the county paid a \$100,000 settlement to fired OCY caseworker David A. Dows.

Conley, 43, had worked for the county for 13 years, including the past four years at OCY, when she resigned Sept. 10.

Conley claimed the Schenker administration forced her to resign to get back at her for being a whistleblower. Conley's ouster came about a month and a half after she testified in court against her supervisor at OCY, whom Conley said altered court records. The Schenker administration has disputed that claim.

Conley said he is satisfied with the work of MacDonald. The Schenker administration has been the county's largest expense case because, at the time, it was threatening to sue the county for a union

In her Civil Service appeal, Conley said county officials told her the day of her resignation that she had violated OCY rules by using her office e-mail to disclose the telephone number of an OCY client to the client's former caseworker. Conley said she did nothing wrong.

The Schenker administration disagrees. The county's person-

nel director, Peter Callan, said in an October memo that Conley disclosed a confidential OCY court order "with the intent of alerting" the pregnant mother who was the subject of it.

Onorato, in an interview last week, said the county has "mounted a vigorous defense" against Conley because of her "egregious breach of confidence."

itality" regarding the court order. He said the county does not want Conley to return to OCY.

"In essence," Onorato said of the \$56,371 legal bill, "the fee was being spent in the defense of children."

**ED PALATTELLA** can be reached at 870-1813 or by e-mail.

## County settles negligence suit

*Erie Co. - Children's Advocacy Center*

Erie County has settled a lawsuit with an Erie family that charged the county's Office of Children and Youth was negligent concerning incidents of alleged sexual abuse against an adopted girl.

Under the settlement, the county will pay the girl and her adopted family \$15,000.

The suit was filed in 1999 by a couple identified only as R.F. and P.F., and for their adopted daughter J.F. The girl had been placed in the custody of Children and Youth in 1994 and was placed with foster parents, who eventually adopted her.

The couple claimed that J.F. was required to have supervised and unsupervised visits with her natural mother. During such visits, the couple alleged, the girl suffered physical and sexual abuse by the natural mother, the mother's boyfriend and the girl's brother.

The couple claimed in its suit that the county agency had a duty to protect the child from such abuse dur-

**Couple said county agency responsible for protecting child during parental visits.**

ing visitations and should have recognized problems existed. John Petulla, director of the Office of Children and Youth, said the settlement is not an acknowledgement that the agency erred in this case, but a sign that the agency agrees the parents need help in dealing with the child's special needs.

The couple filed suit after county officials refused a request for a state subsidy to help care for the child's special needs as a result of the abuse. Their lawyer, James J. Bruno, said the couple never sought anything more than the aid in which they believed they were entitled.

"These are very special people,"

EDT 7/27/92

Bruno said "They weren't out for anything more than what this child was entitled to."

Eventually, the county did support the family's subsidy request and they were awarded \$16,000 in back payments as well as a continuing monthly check.

The \$15,000 settlement with the county, approved last week by Erie County Judge Roger Fischer, provides for legal, medical and other expenses incurred by the family.

Included in the expenses cited by the family is the cost of constructing a separate bathroom for J.F., for the needs of the child and the security of the couple's other children. Bruno said the separate bathroom was needed for the child's privacy and to prevent her from trying to act out similar molestations on the couple's other children.

He said the child and the family have been through a lot, but the girl is getting better.

nued from 1A

# Law firm: OCY expenses add to county's legal b

all said John Onorato, the director for the Schenker administration.

OCY has a staff of in-laws on retainer. The administration hired Donald, Illig to handle Con-ase because of the firm's ex- in labor law and because a unique circumstances of onley case, Onorato said. orato said he and some of county's other in-house ys, including those at OCY, involved in the personnel n against Conley and were be witnesses in a case over y's ouster. Defending the y in a case while being as a witness would be "dif- and almost impossible," to said. He said he was sub- ded to testify at the hearing. county's liability insur- or legal claims provides no ge unless Conley were to court, Onorato said. But he le believes the state gov- ant will reimburse the a for part of the bill. \$56,371 bill has become a n of County Councilman Leone, a frequent critic of Schenker administration

has their practice to go out- when something like this as, then why do we have a

solicitor's staff?" Leone said.

Onorato's retainer is \$31,000 a year, and the county's four as- sistant solicitors each have an- nual retainers of \$25,000, ac- cording to county records. OCY has a full-time solicitor paid a salary of \$71,620 a year as well as three other lawyers on retainers ranging from \$82 to \$71.75 an hour, according to OCY records. Those lawyers typically deal with child-welfare issues for OCY, which handles cases of abused and neglected children.

The lawyers at MacDonald, Il- lig charged the county at a rate of \$175 to \$165 an hour in the Con- ley case, according to the bill. The cases' lead lawyer, Roger Taft, worked 163 hours at an hourly rate of \$175 for an individual bill of \$28,525. The rest of the overall bill covered the work of the oth- er lawyers and expenses.

The accuracy of the bill is not in dispute, Onorato said he is sat- isfied with the work of MacDon- ald, Ilig, which the Schenker ad- ministration three years ago hired to negotiate the county's la- bor contracts. Taft has been the lead lawyer on those cases.

Taft said he aggressively pur- sued the Conley case because, at the time, Conley was threatening to take action against the coun- ty before the Civil Service Com- mission and through a union grievance.

"We were ready to go," he said of the Civil Service case. "We were ready to win the case and I am convinced we would have won if it had gone forward."

Conley withdrew her claim be- cause the proceeding was "not in her best interest," according to a letter on file with the Civil Ser- vice Commission. Conley last week said her lawyers have told her not to comment on her case.

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The girl had been placed in the custody of Children and Youth in 1984 and was placed with foster par- ents, who eventually adopted her.

The couple claimed that J.F. was required to have supervised and un- supervised visits with her natural mother. During such visits, the cou- ple alleged, the girl suffered physi- cal and sexual abuse by the natural mother, the mother's boyfriend and the girl's brother.

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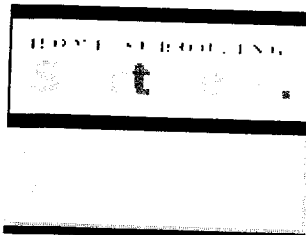
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## Tennessee

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April 10, 2002

### ***Horn v. Brown***

### **Civil rights violated through wrongful arrest**

**Filed:** March 1, 2001, U.S. District Court at Jackson.

**Nature of Case:** This civil rights lawsuit for violation of the right to direct the education of one's child and for false arrest arises out of the criminal prosecution of the mother of a five-year-old. The child was not enrolled in public school, but the school official was told by the child's grandmother that the mother was planning to home school and that the child "should be in school." The attendance officer filed the criminal complaint after speaking with Mrs. Horn and learning that she was, in fact, planning to home school. The official admits knowing that the child was not yet compulsory attendance age when he filed. Mrs. Horn was arrested, but the criminal case against her was dismissed upon HSLDA's notice of representation. On March 1, 2001, HSLDA filed a lawsuit on behalf of Mrs. Horn for violation of her civil rights.

**Status:** On April 4, 2002, the parties agreed to a settlement.

**Last Updated:** April 10, 2002.

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E-mail: [info@hsllda.org](mailto:info@hsllda.org)

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HARRISBURG, PENNSYLVANIA 17120

OFFICE OF  
CHILDREN, YOUTH & FAMILIES

Mailing Date  
February 21, 2003

CHILDLINE & ABUSE REGISTRY  
DEPARTMENT OF PUBLIC WELFARE  
HILLCREST, 2ND FLOOR  
P.O. BOX 2675  
HARRISBURG, PA 17105-2675  
TELEPHONE NO. (717) 783-1954

VICTORIA BIBBS  
1725 W 14TH ST  
ERIE PA 16505

Child : CHARLES BIBBS  
Report No : 250011006  
Agency: ERIE

DEAR MS. BIBBS :

The above named child was reported as a victim of suspected child or student abuse.

The agency listed above has investigated the report and determined it was Unfounded or Unfounded for School Employee because of one of the following : (1) the incident did not occur, (2) the injury was not of a serious nature, or (3) substantial evidence was not found.

The Child Protective Service Law states that unfounded reports must be retained one year from the date the report was made. This is to notify you that the above listed report has been expunged by this office.

We are required to inform you that this action has been taken because your name was listed on the report as the perpetrator of child abuse or student abuse. Within 120 days after the year has passed, it will be expunged by the investigating agency. However, if the investigation reveals that the child and family need social services provided or arranged by the investigating agency, the records will be retained by them.

If you have questions concerning the report, you may contact the investigating agency at (814) 451-6600.

Issued by : ChildLine & Abuse Registry

# \$5 million in Child Service funds jeopardized

By JEFF PINSKI  
Morning News staff reporter

A private accounting firm has questioned nearly \$5 million in expenditures in an audit of Erie County Children's Services for 1978 budget.

Refused by the firm of Salvia, Schaffner and Bigelow Inc. to sign a waiver and could result in an order from the Department of Public Welfare requiring Erie County to pay back \$5 million in expenditures.

The program for Children's Services was audited for \$5,226,706.

According to Pinski, "This is just a matter of rectifying the records and we're confident we can do that."

The largest piece of the expenditures being disallowed by the accounting firm — \$3.3 million — is for the area dealing with purchased services.

The private agencies from whom the Protective Services unit of Children's Services purchases services did not have signed contracts with the county in 1978 as required by state regulations.

But we were unable to determine if these charges were in compliance with the applicable regulations.

The report also shows that Dec. 31, 1978, \$4,976,800 in expenditures were reflected in the financial statements. These were questioned because adequate documentation was not available.

These expenditures were not approved by the program under a plan approved by the Department of Public Welfare, or were not incurred in direct violation of the applicable laws.

Director of Administrative Services Pinski said he was not sure the expenditures were in compliance with the laws.

One other question in the account was whether the expenditures were in compliance with the laws.

The expenditures were not approved by the program under a plan approved by the Department of Public Welfare, or were not incurred in direct violation of the applicable laws.



## CHILD ABUSE PROBES

he "control questions" and he "did you questions" central to the charge.

He said the control questions were questions that ideally should not have elicited a response but, in her case, they did. The test proved her neither guilty nor innocent.

Carl Triola, director of Children's Services, said Roger's accusation that he had been instructed not to inform police differed from what he (Triola) had been told by the current caseworker involved.

He said the first caseworker for Roger's children is no longer with the agency. Triola said he did have reservations about one aspect in the handling of the case.

Regarding the court order for Roger to send the children to weekend visits, Triola said, the caseworker should have asked the judge directly about

our investigation and not assumed that the attorney (Roger's) would tell him."

He said the caseworker said she had advised the attorney to tell the judge but Triola said she should not have assumed he would.

"She should have told the judge herself and left it up to the court to decide if the visits were safe."

Mary said she feels the children should be in a foster home until this abuse case is resolved since Roger is living with another woman.

"I told the caseworker that several times but all she said was that she didn't think it was necessary. That the children were in a situation similar to the one they had been in when Roger and I were living together."

Roger and Mary were never married, and the children are now living with their father and another woman whom Roger said is referred to as "mother" by the children, at his instruction.

The NEWS also spoke with Roger's legal wife, Judy, who has custody of a child she had

while married to Roger.

She also said she had never been contacted by Children's Services.

"I went to them after these charges came out in the newspaper," she said. "I read them the riot act. A supervisor there said he'd have a caseworker contact me."

"Three weeks went by and nothing. I called and started yelling again. The supervisor said he'd forgotten to give the caseworker the message. She called the next day."

Roger's wife said she is prepared to testify in court on behalf of Mary even though Mary had lived with her husband for years.

"I really want to find out what kind of investigation Children's Services did on this case," she said angrily. "They are something else."

(To be continued)

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FLORIDA?  
SEE PAGE 10B

ERIE CITY AND COUNTY LIBRARY  
ERIE, PENNSYLVANIA 16507

*Children's Youth Services*  
*Orlando calls for?*  
**Triola: Security breach**

By JEFF PINSKI  
NEWS Staff Reporter

Erie County Children's Services Director Carl Triola said Friday the security breach that allowed confidential documents to be deposited nightly in a dumpster outside his office is "the most devastating thing that's happened to me in 15 years of social work."

Meanwhile, State Senator Quinna Orlando of Erie called for a two-pronged probe of the Children's Services operation.

one by the state and the other by the county.

The Morning News revealed Friday that, during its month-long investigation of Children's Services, it had been given highly sensitive agency papers that had been obtained by a citizen from a trash bin outside the Community Services Building at 3rd and Cherry.

The Morning News asked for a meeting Thursday with County Executive Russell "Robbie" Robinson, Juvenile Court Judge Fred Anthony,

and Sen. Orlando. NEWS representatives met with the three men in Robinson's office and changed over the confidential documents.

Robinson told Children's Services that its disposal method would have to "stop dead in its tracks right now." He ordered the agency to immediately remove documents that were in the dumpster, and to insure that no more such papers were tossed there. The files were cleaned out Thursday evening.

The Pennsylvania Child Protective Services Law (Act 124) clearly spells out that such sensitive papers are to be destroyed.

"I must assume complete responsibility for this," Triola said Friday. "I assumed that these papers were being burned as required by the law. I should have followed up on it but didn't, and if my job is in jeopardy because of this, it's only because it was my fault."

Triola said, "This is the



ERIE, PA., TIMES-NEWS, Saturday, April 1, 1978

calls for 2 pronged probe

## Breach 'most devastating'

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1. "This is the

most devastating thing that's  
happened to me in 16 years of  
social work. I've always tried  
to champion confidentiality in  
our cases and would stand be-  
hind our workers 100 percent."

He said that an in-  
cinerator was installed in the  
basement of the building when  
it was constructed specifically  
for destroying confidential ma-  
terial.

"I mean, why else would  
you want to put an in-  
cinerator in a small building  
like this? I just naturally as-

sumed it was being burned."

According to Triola, the  
dumpster has been in use at  
the county building for about  
two years. He said it was pos-  
sible the information has been  
dumped there for the entire  
two years.

"I have no bone to pick with  
the newspaper on this because  
I probably never would have  
learned of this without the  
help of the newspaper."

When legislators drafted Act  
124, they provided that any  
breach of confidentiality was

to be the subject of "legisla-  
tive oversight," that a legisla-  
tive review rather than a re-  
view by the Department of  
Public Welfare would be  
called for.

"I'll begin proceedings in  
the Senate to have an over-  
view conducted by the state,"  
Sen. Orlando said Friday.  
"But this should be accom-  
panied by an investigation by  
the new county government  
into the operation of Children's  
Services. There is simply no  
reason to do this twice when it  
can be done together and at

the same time."

Sen. Orlando said he will in-  
troduce the required resolution  
before the Senate on Monday.

County officials will also be-  
gin looking at shredding ma-  
chines on Monday to deter-  
mine if one should be pur-  
chased to destroy the docu-  
ments in the future.

"I think we have to weigh  
the costs here and determine  
whether the incinerator or the  
shredder should be used,"  
Triola said. "We should use  
whatever is economically fea-  
sible for the county."

